

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MALANJE PHEA,

Petitioner,

v.

CHRISTIAN PFEIFFER, Warden,

Respondent.

No. 2:20-cv-0283 WBS GGH P

ORDER

Petitioner has requested the appointment of counsel. ECF Nos. 39, 43, 47. Petitioner asserts as an indigent petitioner he is entitled to an appointment of counsel upon request. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Additionally, although the request appears to be directed to state judges, petitioner may have sought to disqualify the undersigned based on “irregularities” in court proceedings, one of which petitioner asserts is based on the denial of his previous requests for an appointment of counsel. ECF No. 46. Pursuant to 28 U.S.C. § 455, a judge shall be disqualified if the judge’s impartiality might be reasonably questioned or the judge has a personal bias or prejudice

1 concerning a party. See 28 U.S.C. § 455(a),(b). Here, petitioner's denial of his requests for an
2 appointment of counsel do not establish the undersigned's impartiality might be reasonable
3 questioned or the undersigned ha a personal bias or prejudice against petitioner. See Liteky v.
4 United States, 510 U.S. 540, 555 (1994). Petitioner's motion to disqualify the undersigned fails to
5 present reasonable grounds for disqualification.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Petitioner's requests for appointment of counsel (ECF No. 39, 43 and 47) are denied
8 without prejudice to a renewal of the motion at a later stage of the proceedings; and
9 2. Petitioner's motion to disqualify (ECF No. 46) is denied.

10 Dated: November 23, 2020

11 /s/ Gregory G. Hollows
12 UNITED STATES MAGISTRATE JUDGE
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